

1 AN ACT

2 relating to the placement of certain substances in Penalty Groups 1  
3 and 3 of the Texas Controlled Substances Act and the prosecution of  
4 criminal offenses involving certain substances listed in Penalty  
5 Groups 1, 2, and 3 of that Act.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 481.102, Health and Safety Code, is  
8 amended to read as follows:

9 Sec. 481.102. PENALTY GROUP 1. Penalty Group 1 consists  
10 of:

11 (1) the following opiates, including their isomers,  
12 esters, ethers, salts, and salts of isomers, esters, and ethers,  
13 unless specifically excepted, if the existence of these isomers,  
14 esters, ethers, and salts is possible within the specific chemical  
15 designation:

16 Alfentanil;

17 Allylprodine;

18 Alphacetylmethadol;

19 Benzethidine;

20 Betaprodine;

21 Clonitazene;

22 Diampromide;

23 Diethylthiambutene;

24 DifenoXin not listed in Penalty Group 3 or 4;

- 1 Dimenoxadol;
- 2 Dimethylthiambutene;
- 3 Dioxaphetyl butyrate;
- 4 Dipipanone;
- 5 Ethylmethylthiambutene;
- 6 Etonitazene;
- 7 Etoxadine;
- 8 Furethidine;
- 9 Hydroxypethidine;
- 10 Ketobemidone;
- 11 Levophenacymorphan;
- 12 Meprodine;
- 13 Methadol;
- 14 Moramide;
- 15 Morpheridine;
- 16 Noracymethadol;
- 17 Norlevorphanol;
- 18 Normethadone;
- 19 Norpipanone;
- 20 Phenadoxone;
- 21 Phenampromide;
- 22 Phenomorphan;
- 23 Phenoperidine;
- 24 Piritramide;
- 25 Proheptazine;
- 26 Properidine;
- 27 Propiram;

1           Sufentanil;  
2           Tilidine; and  
3           Trimeperidine;

4           (2) the following opium derivatives, their salts,  
5 isomers, and salts of isomers, unless specifically excepted, if the  
6 existence of these salts, isomers, and salts of isomers is possible  
7 within the specific chemical designation:

8           Acetorphine;  
9           Acetyldihydrocodeine;  
10          Benzylmorphine;  
11          Codeine methylbromide;  
12          Codeine-N-Oxide;  
13          Cyprenorphine;  
14          Desomorphine;  
15          Dihydromorphine;  
16          Drotebanol;  
17          Etorphine, except hydrochloride salt;  
18          Heroin;  
19          Hydromorphenol;  
20          Methyldesorphine;  
21          Methyldihydromorphine;  
22          Monoacetylmorphine;  
23          Morphine methylbromide;  
24          Morphine methylsulfonate;  
25          Morphine-N-Oxide;  
26          Myrophine;  
27          Nicocodeine;

1                   Nicomorphine;  
2                   Normorphine;  
3                   Pholcodine; and  
4                   Thebacon;

5                   (3) the following substances, however produced,  
6 except those narcotic drugs listed in another group:

7                   (A) Opium and opiate not listed in Penalty Group  
8 3 or 4, and a salt, compound, derivative, or preparation of opium or  
9 opiate, other than thebaine derived butorphanol, nalmefene and its  
10 salts, naloxone and its salts, and naltrexone and its salts, but  
11 including:

12                               Codeine not listed in Penalty Group 3 or 4;  
13                               Dihydroetorphine;  
14                               Ethylmorphine not listed in Penalty Group 3  
15 or 4;  
16                               Granulated opium;  
17                               Hydrocodone not listed in Penalty Group 3;  
18                               Hydromorphone;  
19                               Metopon;  
20                               Morphine not listed in Penalty Group 3;  
21                               Opium extracts;  
22                               Opium fluid extracts;  
23                               Oripavine;  
24                               Oxycodone;  
25                               Oxymorphone;  
26                               Powdered opium;  
27                               Raw opium;

1                   Thebaine; and

2                   Tincture of opium;

3                   (B) a salt, compound, isomer, derivative, or  
4 preparation of a substance that is chemically equivalent or  
5 identical to a substance described by Paragraph (A), other than the  
6 isoquinoline alkaloids of opium;

7                   (C) Opium poppy and poppy straw;

8                   (D) Cocaine, including:

9                   (i) its salts, its optical, position, and  
10 geometric isomers, and the salts of those isomers;

11                   (ii) coca leaves and a salt, compound,  
12 derivative, or preparation of coca leaves; and

13                   (iii) a salt, compound, derivative, or  
14 preparation of a salt, compound, or derivative that is chemically  
15 equivalent or identical to a substance described by Subparagraph  
16 (i) or (ii), other than decocainized coca leaves or extractions of  
17 coca leaves that do not contain cocaine or ecgonine; and

18                   (E) concentrate of poppy straw, meaning the crude  
19 extract of poppy straw in liquid, solid, or powder form that  
20 contains the phenanthrine alkaloids of the opium poppy;

21                   (4) the following opiates, including their isomers,  
22 esters, ethers, salts, and salts of isomers, if the existence of  
23 these isomers, esters, ethers, and salts is possible within the  
24 specific chemical designation:

25                   Acetyl-alpha-methylfentanyl   (N-[1-(1-methyl-2-  
26 phenethyl)-4-piperidinyl]-N-phenylacetamide);

27                   Alpha-methylthiofentanyl           (N-[1-methyl-2-(2-

1 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);  
2                   Alphaprodine;  
3                   Anileridine;  
4                   Beta-hydroxyfentanyl               (N-[1-(2-hydroxy-2-  
5 phenethyl)-4-piperidinyl] -N-phenylpropanamide);  
6                   Beta-hydroxy-3-methylfentanyl;  
7                   Bezitramide;  
8                   Carfentanil;  
9                   Dihydrocodeine not listed in Penalty Group 3 or 4;  
10                  Diphenoxylate not listed in Penalty Group 3 or 4;  
11                  Fentanyl or alpha-methylfentanyl, or any other  
12 derivative of Fentanyl;  
13                  Isomethadone;  
14                  Levomethorphan;  
15                  Levorphanol;  
16                  Metazocine;  
17                  Methadone;  
18                  Methadone-Intermediate, 4-cyano-2-dimethylamino-  
19 4, 4-diphenyl butane;  
20                  3-methylfentanyl(N-[3-methyl-1-(2-phenylethyl)-  
21 4-piperidyl]-N-phenylpropanamide);  
22                  3-methylthiofentanyl(N-[3-methyl-1-(2-thienyl)  
23 ethyl-4-piperidinyl]-N-phenylpropanamide);  
24                  Moramide-Intermediate, 2-methyl-3-morpholino-1,  
25 1-diphenyl-propane-carboxylic acid;  
26                  Para-fluorofentanyl(N-(4-fluorophenyl)-N-1-(2-  
27 phenylethyl)-4-piperidinylpropanamide);

- 1                   PEPAP                   (1-(2-phenethyl)-4-phenyl-4-  
2 acetoxypiperidine);
- 3                   Pethidine (Meperidine);
- 4                   Pethidine-Intermediate-A,       4-cyano-1-methyl-4-  
5 phenylpiperidine;
- 6                   Pethidine-Intermediate-B,               ethyl-4-  
7 phenylpiperidine-4 carboxylate;
- 8                   Pethidine-Intermediate-C,               1-methyl-4-  
9 phenylpiperidine-4-carboxylic acid;
- 10                  Phenazocine;
- 11                  Piminodine;
- 12                  Racemethorphan;
- 13                  Racemorphan;
- 14                  Remifentanil; and
- 15                  Thiofentanyl(N-phenyl-N-[1-(2-thienyl)ethyl-4-pi  
16 peridinyl]-propanamide);
- 17                  (5) Flunitrazepam (trade or other name: Rohypnol);
- 18                  (6) Methamphetamine, including its salts, optical  
19 isomers, and salts of optical isomers;
- 20                  (7) Phenylacetone and methylamine, if possessed  
21 together with intent to manufacture methamphetamine;
- 22                  (8) Phencyclidine, including its salts;
- 23                  (9) Gamma hydroxybutyric acid (some trade or other  
24 names: gamma hydroxybutyrate, GHB), including its salts; [~~and~~]
- 25                  (10) Ketamine;
- 26                  (11) Phenazepam;
- 27                  (12) U-47700;

- 1           (13) AH-7921;
- 2           (14) ADB-FUBINACA;
- 3           (15) AMB-FUBINACA; and
- 4           (16) MDMB-CHMICA.

5           SECTION 2. Section 481.104(a), Health and Safety Code, is  
6 amended to read as follows:

7           (a) Penalty Group 3 consists of:

8           (1) a material, compound, mixture, or preparation that  
9 contains any quantity of the following substances having a  
10 potential for abuse associated with a stimulant effect on the  
11 central nervous system:

- 12                   Methylphenidate and its salts; and
- 13                   Phenmetrazine and its salts;

14           (2) a material, compound, mixture, or preparation that  
15 contains any quantity of the following substances having a  
16 potential for abuse associated with a depressant effect on the  
17 central nervous system:

18                   a substance that contains any quantity of a  
19 derivative of barbituric acid, or any salt of a derivative of  
20 barbituric acid not otherwise described by this subsection;

21                   a compound, mixture, or preparation containing  
22 amobarbital, secobarbital, pentobarbital, or any salt of any of  
23 these, and one or more active medicinal ingredients that are not  
24 listed in any penalty group;

25                   a suppository dosage form containing amobarbital,  
26 secobarbital, pentobarbital, or any salt of any of these drugs, and  
27 approved by the United States Food and Drug Administration for

1 marketing only as a suppository;  
2                   Alprazolam;  
3                   Amobarbital;  
4                   Bromazepam;  
5                   Camazepam;  
6                   Carisoprodol;  
7                   Chlordiazepoxide;  
8                   Chlorhexadol;  
9                   Clobazam;  
10                  Clonazepam;  
11                  Clorazepate;  
12                  Clotiazepam;  
13                  Cloxazolam;  
14                  Delorazepam;  
15                  Diazepam;  
16                  Estazolam;  
17                  Ethyl loflazepate;  
18                  Etizolam;  
19                  Fludiazepam;  
20                  Flurazepam;  
21                  Glutethimide;  
22                  Halazepam;  
23                  Haloxzolam;  
24                  Ketazolam;  
25                  Loprazolam;  
26                  Lorazepam;  
27                  Lormetazepam;

1                   Lysergic acid, including its salts, isomers, and  
2 salts of isomers;  
3                   Lysergic acid amide, including its salts,  
4 isomers, and salts of isomers;  
5                   Mebutamate;  
6                   Medazepam;  
7                   Methyprylon;  
8                   Midazolam;  
9                   Nimetazepam;  
10                  Nitrazepam;  
11                  Nordiazepam;  
12                  Oxazepam;  
13                  Oxazolam;  
14                  Pentazocine, its salts, derivatives, or compounds  
15 or mixtures thereof;  
16                  Pentobarbital;  
17                  Pinazepam;  
18                  Prazepam;  
19                  Quazepam;  
20                  Secobarbital;  
21                  Sulfondiethylmethane;  
22                  Sulfonethylmethane;  
23                  Sulfonmethane;  
24                  Temazepam;  
25                  Tetrazepam;  
26                  Tiletamine and zolazepam in combination, and its  
27 salts. (some trade or other names for a tiletamine-zolazepam

1 combination product: Telazol, for tiletamine: 2-(ethylamino)-  
2 2-(2-thienyl)-cyclohexanone, and for zolazepam: 4-(2-  
3 fluorophenyl)-6, 8-dihydro-1,3,8,-trimethylpyrazolo-[3,4-  
4 e](1,4)-d diazepin-7(1H)-one, flupyrzapon);

5 Tramadol;

6 Triazolam;

7 Zaleplon;

8 Zolpidem; and

9 Zopiclone;

10 (3) Nalorphine;

11 (4) a material, compound, mixture, or preparation  
12 containing limited quantities of the following narcotic drugs, or  
13 any of their salts:

14 not more than 1.8 grams of codeine, or any of its  
15 salts, per 100 milliliters or not more than 90 milligrams per dosage  
16 unit, with an equal or greater quantity of an isoquinoline alkaloid  
17 of opium;

18 not more than 1.8 grams of codeine, or any of its  
19 salts, per 100 milliliters or not more than 90 milligrams per dosage  
20 unit, with one or more active, nonnarcotic ingredients in  
21 recognized therapeutic amounts;

22 not more than 300 milligrams of dihydrocodeinone  
23 (hydrocodone), or any of its salts, per 100 milliliters or not more  
24 than 15 milligrams per dosage unit, with a fourfold or greater  
25 quantity of an isoquinoline alkaloid of opium;

26 not more than 300 milligrams of dihydrocodeinone  
27 (hydrocodone), or any of its salts, per 100 milliliters or not more

1 than 15 milligrams per dosage unit, with one or more active,  
2 nonnarcotic ingredients in recognized therapeutic amounts;

3                   not more than 1.8 grams of dihydrocodeine, or any  
4 of its salts, per 100 milliliters or not more than 90 milligrams per  
5 dosage unit, with one or more active, nonnarcotic ingredients in  
6 recognized therapeutic amounts;

7                   not more than 300 milligrams of ethylmorphine, or  
8 any of its salts, per 100 milliliters or not more than 15 milligrams  
9 per dosage unit, with one or more active, nonnarcotic ingredients  
10 in recognized therapeutic amounts;

11                   not more than 500 milligrams of opium per 100  
12 milliliters or per 100 grams, or not more than 25 milligrams per  
13 dosage unit, with one or more active, nonnarcotic ingredients in  
14 recognized therapeutic amounts;

15                   not more than 50 milligrams of morphine, or any of  
16 its salts, per 100 milliliters or per 100 grams with one or more  
17 active, nonnarcotic ingredients in recognized therapeutic amounts;  
18 and

19                   not more than 1 milligram of difenoxin and not  
20 less than 25 micrograms of atropine sulfate per dosage unit;

21                   (5) a material, compound, mixture, or preparation that  
22 contains any quantity of the following substances:

23                   Barbital;

24                   Chloral betaine;

25                   Chloral hydrate;

26                   Ethchlorvynol;

27                   Ethinamate;

1 Meproamate;  
2 Methohexital;  
3 Methylphenobarbital (Mephobarbital);  
4 Paraldehyde;  
5 Petrichloral; and  
6 Phenobarbital;

7 (6) Peyote, unless unharvested and growing in its  
8 natural state, meaning all parts of the plant classified  
9 botanically as Lophophora, whether growing or not, the seeds of the  
10 plant, an extract from a part of the plant, and every compound,  
11 manufacture, salt, derivative, mixture, or preparation of the  
12 plant, its seeds, or extracts;

13 (7) unless listed in another penalty group, a  
14 material, compound, mixture, or preparation that contains any  
15 quantity of the following substances having a stimulant effect on  
16 the central nervous system, including the substance's salts,  
17 optical, position, or geometric isomers, and salts of the  
18 substance's isomers, if the existence of the salts, isomers, and  
19 salts of isomers is possible within the specific chemical  
20 designation:

21 Benzphetamine;  
22 Cathine [(+)-norpseudoephedrine];  
23 Chlorphentermine;  
24 Clortermine;  
25 Diethylpropion;  
26 Fencamfamin;  
27 Fenfluramine;

1 Fenproporex;  
2 Mazindol;  
3 Mefenorex;  
4 Modafinil;  
5 Pemoline (including organometallic complexes and  
6 their chelates);  
7 Phendimetrazine;  
8 Phentermine;  
9 Pipradrol;  
10 Sibutramine; and  
11 SPA [(-)-1-dimethylamino-1,2-diphenylethane];

12 (8) unless specifically excepted or unless listed in  
13 another penalty group, a material, compound, mixture, or  
14 preparation that contains any quantity of the following substance,  
15 including its salts:

16 Dextropropoxyphene (Alpha-(+)-4-dimethylamino-  
17 1,2-diphenyl-3-methyl-2-propionoxybutane);

18 (9) an anabolic steroid, including any drug or  
19 hormonal substance, or any substance that is chemically or  
20 pharmacologically related to testosterone, other than an estrogen,  
21 progestin, dehydroepiandrosterone, or corticosteroid, and promotes  
22 muscle growth, including the following drugs and substances and any  
23 salt, ester, or ether of the following drugs and substances:

24 Androstenediol;  
25 Androstenedione;  
26 Androstenediol;  
27 Androstenedione;

- 1 Bolasterone;
- 2 Boldenone;
- 3 Calusterone;
- 4 Clostebol;
- 5 Dehydrochlormethyltestosterone;
- 6 Delta-1-dihydrotestosterone;
- 7 Dihydrotestosterone (4-dihydrotestosterone);
- 8 Drostanolone;
- 9 Ethylestrenol;
- 10 Fluoxymesterone;
- 11 Formebolone;
- 12 Furazabol;
- 13 13beta-ethyl-17beta-hydroxygon-4-en-3-one;
- 14 4-hydroxytestosterone;
- 15 4-hydroxy-19-nortestosterone;
- 16 Mestanolone;
- 17 Mesterolone;
- 18 Methandienone;
- 19 Methandriol;
- 20 Methenolone;
- 21 17alpha-methyl-3beta, 17 beta-dihydroxy-5alpha-
- 22 androstane;
- 23 17alpha-methyl-3alpha, 17 beta-dihydroxy-5alpha-
- 24 androstane;
- 25 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-
- 26 ene;
- 27 17alpha-methyl-4-hydroxynandrolone;

1                   Methyldienolone;  
2                   Methyltestosterone;  
3                   Methyltrienolone;  
4                   17alpha-methyl-delta-1-dihydrotestosterone;  
5                   Mibolerone;  
6                   Nandrolone;  
7                   Norandrostenediol;  
8                   Norandrostenedione;  
9                   Norbolethone;  
10                  Norclostebol;  
11                  Norethandrolone;  
12                  Normethandrolone;  
13                  Oxandrolone;  
14                  Oxymesterone;  
15                  Oxymetholone;  
16                  Stanozolol;  
17                  Stenbolone;  
18                  Testolactone;  
19                  Testosterone;  
20                  Tetrahydrogestrinone; and  
21                  Trenbolone; and

22                  (10) *Salvia divinorum*, unless unharvested and growing  
23 in its natural state, meaning all parts of that plant, whether  
24 growing or not, the seeds of that plant, an extract from a part of  
25 that plant, and every compound, manufacture, salt, derivative,  
26 mixture, or preparation of that plant, its seeds, or extracts,  
27 including Salvinorin A.

1           SECTION 3. Section 481.103(d), Health and Safety Code, is  
2 repealed.

3           SECTION 4. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 governed by the law in effect on the date the offense was committed,  
7 and the former law is continued in effect for that purpose. For  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense occurred  
10 before that date.

11          SECTION 5. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 2671 was passed by the House on May 2, 2017, by the following vote: Yeas 142, Nays 2, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2671 on May 24, 2017, by the following vote: Yeas 146, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 2671 was passed by the Senate, with amendments, on May 22, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor